

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

TIFFANY VAUGHN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:24-CV-00138 SNLJ
)	
PERFORMANCE LABS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's submission of a motion for reconsideration of the dismissal of this action, as well as a request to submit a post-dismissal amended complaint. [ECF No. 7]. For the reasons set forth below, the Court will deny plaintiff's requests.

Plaintiff Tiffany Vaughn is a self-represented litigant who filed the instant lawsuit in forma pauperis against Performance Labs, LLC, doing business as EBO M.D. Lab Collections, as well as five individual defendants and the Missouri Children's Division. This was plaintiff's second action in this Court against the same or similar defendants, as she filed a prior action on May 15, 2023. *See Vaughn v. EBO Labs, et al.*, No. 1:23-CV-00079 SNLJ (E.D.Mo.). The May 2023 action was dismissed for failure to state a claim on July 14, 2023, pursuant to 28 U.S.C. § 1915(e)(2)(B). *Id.*

Because plaintiff's prior lawsuit was also filed pro se and in forma pauperis and was dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915, and the Court found that the instant lawsuit was substantially similar to the May 2023 lawsuit, this action was dismissed as duplicative of the 2023 lawsuit on August 5, 2024. *See Waller v. Goose*, 38 F.3d 1007, 1008 (8th Cir. 1994) (per curiam) (citing *Denton v. Hernandez*, 504 U.S. 25 (1992)); *see also Cooper v.*

Delo, 997 F.2d 376, 377 (8th Cir. 1993) (§ 1915(e) dismissal has res judicata effect on future IFP petitions).

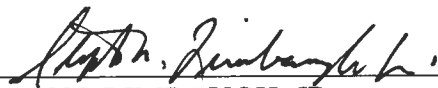
Despite the aforementioned, plaintiff seeks reconsideration of the dismissal and to file what is in essence a third action (an amended complaint) against defendants. The Court will not allow plaintiff to do so, as res judicata bars her from filing the same or similar action in forma pauperis against defendants. *See supra*.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration and request to file an amended complaint in this action [ECF No. 7] is **DENIED**.

IT IS FURTHER ORDERED that an appeal from this Order would not be taken in good faith.

Dated this 9th day of September, 2024.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE